

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**KATHY ADKINS, *et al.*,**

**Plaintiff,**

**v.**

**Civil Action No. 3:11cv334**

**ENCORE CAPITAL GROUP, INC., *et al.***

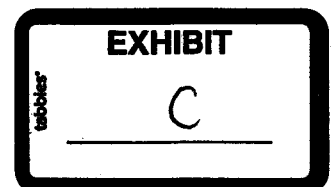
**Defendants.**

**ORDER**

CAME NOW Defendants, Encore Capital Group, Inc. Midland Credit Management, Inc. and Midland Funding, LLC (collectively, "Defendants"), upon their Motion to Sever (Dkt. No. 20).

For the reasons set forth in the parties' briefing, and for good cause shown, it is hereby ORDERED that the Motion to Sever is GRANTED. Each of the named Plaintiffs shall be assigned an individual action number and shall proceed at trial with their claims against Defendants on an individual basis with respect to all subsequent matters until further Order from the Court. All cases shall remain assigned to the Hon. James R. Spencer. It is further ORDERED as follows:

1. **Responsive pleadings:** The Amended Complaint (Dkt. No. 18) shall be deemed the operative Complaint for each of the individual actions. Defendants' Answer to the Amended Complaint shall be deemed the operative responsive pleading for each of the individual actions. Defendants are granted leave to file an Amended Answer to the Amended Complaint on or before \_\_\_\_\_, which shall also be deemed to respond to the claims alleged in each of the individual actions.



2. **Transfer:** On or before \_\_\_\_\_, Plaintiffs' counsel shall deliver to counsel for Defendants a list of the locations of the underlying collection lawsuits filed against each Plaintiff that form the basis of their claims. By \_\_\_\_\_, Defendants shall file any motion(s) to transfer any of the individual actions and/or the parties shall submit an Agreed Order transferring the cases of specific individual Plaintiffs to their proper division(s).

3. **Initial Disclosures:** The parties shall exchange initial disclosures under Fed. R. Civ. P. 26(a)(1) on or before \_\_\_\_\_. The initial disclosures for each of the severed actions may be consolidated into a single pleading.

4. **Discovery Plan:** On or before \_\_\_\_\_, the parties shall tender to the Court a joint discovery plan for the Court's approval. The discovery plan shall address issues of consolidated discovery relative to the individual actions. If the parties cannot agree on a joint discovery plan by that date, then the parties shall each submit such a plan.

5. **Discovery:** All discovery matters and discovery coordination are assigned to the Hon. Denis W. Dohnal. Discovery may commence in full as of the date of the entry of this Order. The deadlines for objections and responses to the discovery that was previously served on Plaintiffs in October 2010 shall begin to run from the date of the entry of this Order.

6. **Consolidation:** On or before \_\_\_\_\_, the parties shall file any motion to consolidate the individual actions for trial.

7. **Certification for Trial:** At any time after the entry of this Order, the parties may request, either jointly or individually, that any of the individual action(s) be certified for trial. Prior to making such a request, the parties shall confer in good faith regarding the propriety of such a request. Any disputes regarding the certification of any action(s) for trial will be resolved by Hon. Dennis W. Dohnal. After a case is certified for trial by Hon. Dennis W. Dohnal, the

parties shall contact the chambers of the assigned district judge within ten days to schedule the case for trial as quickly as possible.

8. **Status Conference:** By the last business day of each month, the parties shall schedule a conference call with the Court to discuss the status of the individual actions.

IT IS SO ORDERED.

ENTERED this \_\_\_\_ day of December, 2011.

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Hon. Dennis W. Dohnal  
United States Magistrate Judge